

# UNITED STATES DISTRICT COURT

for  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Venue

**FILED**

JUN 10 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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## Report on Offender Under Supervision

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Name of Offender: Damien R. Sexton Docket No.: CR-07-00742-001 EDL

Name of Sentencing Judge: Elizabeth D. Laporte  
United States Magistrate Judge

Date of Original Sentence: May 20, 2008

### Original Offense:

Count Two: Assault on an Aircraft in the Special Aircraft Jurisdiction of the United States , 49 U.S.C. § 46506(1) and 18 U.S.C. § 113(a)(5), a Class B misdemeanor.

Original Sentence: Two (2) years probation.

Special Conditions: Special assessment \$10.00; restitution \$20.00; fine \$50.00; drug/alcohol treatment; random urinalysis testing; not use alcohol to excess.

Type of Supervision: Probation

Date Supervision Commenced: May 20, 2008

Assistant U.S. Attorney: Kyle F. Waldinger

Defense Counsel: Janet Metzger (Retained)

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## Petitioning the Court to Take Judicial Notice

### Cause

Damien R. Sexton  
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Charge Number      Violation

One

There is probable cause to believe that the offender violated standard condition number seven that the offender shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

On May 20, 2008, the offender submitted a random drug test to the probation officer which tested positive for marijuana. On May 28, 2008, Kroll Laboratory Specialists, Inc. confirmed the offender's urine sample to be positive for marijuana.

The above violation is supported by evidence contained in the Kroll Laboratory Specialist, Inc. specimen report, number C00936434.

**Action Taken and Reason**

The offender's supervision has been transferred to the District of New Jersey. Prior to his transfer, the offender committed the above violation during a mandatory drug test after sentencing. In that the Court has ordered drug testing and treatment as a special condition, the District of New Jersey will be addressing any current patterns of substance abuse with the offender during the course of supervision. The probation officer will continue to monitor the offender and keep the Court apprised of any future violations should they occur. No further action is recommended at this time.


The Assistant U.S. Attorney has been notified and there are no objections.

Address of offender: 1939 Steeplechase Drive  
Williamstown, New Jersey 08094

Respectfully submitted,

Reviewed by:

  
Wayne A. Mirikitani  
U.S. Probation Officer Assistant

  
Amy Rizon  
Supervisory U.S. Probation Officer

Date Signed: June 5, 2008

Damien R. Sexton  
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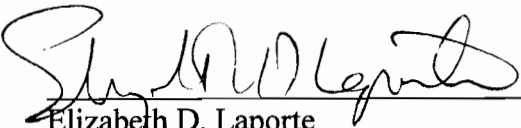
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THE COURT ORDERS:

- ☒ The Court concurs and takes judicial notice
- ☐ Submit a request to modify supervision
- ☐ Submit a request for warrant
- ☐ Submit a request for summons
- ☐ Other:

Date

June 9, 2008



Elizabeth D. Laporte

United States Magistrate Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

USA et al,

Plaintiff,

v.

DAMIEN R SEXTON et al,

Defendant.

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Case Number: CR07-00742 EDL

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 10, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.


Allison Marston Danner  
U.S. Attorney's Office  
450 Golden Gate Avenue -  
Box 36055  
San Francisco, CA 94102

Janet Metzger  
403 Magee Avenue  
Mill Valley, CA 94941

Wayne A. Mirikitani  
U.S. Probation  
450 Golden Gate Avenue - 17<sup>th</sup> Floor  
San Francisco, CA 94102

Dated: June 10, 2008

Richard W. Wieking, Clerk

  
By: Lili M. Harrell, Deputy Clerk